

RESPONSE TO COMMENTS
Public Comment Period for Draft Hazardous Waste Facility Permit
Veolia ES Technical Solutions, L.L.C., Azusa, California
February 25, 2011

The Department of Toxic Substances Control (DTSC) prepared a Draft Hazardous Waste Facility Permit (Permit) for the hazardous waste facility (Facility) owned and operated by Veolia ES Technical Solutions, L.L.C. (Veolia) (Permittee) in Azusa, California. On November 30, 2010, DTSC published a public notice for the Draft Permit, Draft CEQA Negative Declaration, and pertinent documents, which announced the materials would be available for public review and comment from November 30, 2010 to January 18, 2011. DTSC also held a public meeting and hearing on January 10, 2011.

During the public comment period, DTSC received the following comments:

- 1) Letter: from Mr. Dave Singleton California Native American Heritage Commission; to Mr. Stephen Baxter, California Department of Toxic Substances Control, Chatsworth; dated December 24, 2010.
- 2) E-Mail with Attached Comments: from Mr. Thomas McHenry <TMcHenry@gibsonduinn.com> (representing Veolia); to Stephen Baxter <SBaxter@dtsc.ca.gov>; sent January 18, 2011 11:03 AM.

No public comments were received during the public meeting and hearing held on January 10, 2011.

This Response to Comments document responds to public comments that DTSC received from the two commenters. In addition, changes to the draft Permit based on the comments are discussed in this Response to Comments document.

DTSC also adjusted the draft Permit in order to finalize it. For instance, the word "draft" was removed, final dates were adjusted, and the table of contents was updated. DTSC also corrected typographical and/or grammatical changes that would not affect the meaning or intent of the text. These administrative changes are not discussed in this Response to Comments document but are recorded in a redline/strikeout version of the Permit showing all changes.

COMMENTS FROM CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION:

Comments from the California Native American Heritage Commission (NAHC) are directly quoted below, without including regulatory citations and references. The first and second paragraphs from the letter are quoted in that same order below, and the third paragraph below is the last paragraph of the NAHC letter.

NAHC Comment:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' for the protection and preservation of California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that

causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR). The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect' (APE), and if so, to mitigate that effect.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, and Native American Cultural Resources **were NOT identified** within one-half mile of several of the Area of Potential Effect (APE). There are, however, Native American cultural resources in close proximity to the APE. Also, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American.

DTSC Response to NAHC :

DTSC concurs with all comments and findings presented by the California Native American Heritage Commission in its letter dated December 24, 2010.

As part of the draft hazardous waste facility permit (draft Permit), DTSC prepared an Initial Study and draft Negative Declaration, which were available for public review during the public comment period from November 30, 2010 to January 18, 2011. Part 5 of the Initial Study discusses the findings of potential impacts to Cultural Resources.

DTSC's Initial Study noted that the facility is located in an area zoned for industrial activities and that the area has already been developed. The construction proposed by Veolia's permit application is limited to shallow excavation for the purpose of placing a concrete pad in an area already impacted by previous development within the Facility's boundary.

According to the City of Azusa, the project site is not located in an area known to contain prehistoric, historic, or paleontological resources. However, the City General Plan states that if such resources are encountered, then avoidance of the resources is encouraged if they are determined to be significant as defined in CEQA Guidelines section 15064.5. If avoidance is not feasible, the project proponent must implement a mitigation plan to excavate, analyze, and report on the discoveries. Further, in the event that any prehistoric, historic, or paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet

of the resources shall be halted and the developer shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any finds are determined to be significant by the qualified archaeologist, then representatives from the City of Azusa and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate course of action. Should human remains be discovered during the implementation of a proposed project, the local coroner must be immediately contacted. Both the Native American Heritage Commission (pursuant to NAGPRA) and any identified descendants should be notified, and recommendations received, if the remains are determined to be of Native American origin, pursuant to CEQA Guidelines section 15064.5, Health and Safety Code section 7070.5 and Public Resources Code sections 5097.94 and 5097.98.

The Hazardous Waste Facility Permit does not shield Veolia, the Permittee, from any other pertinent laws and regulations, including those concerning avoidance and accidental discovery of prehistoric, historic or paleontological cultural resources. Veolia must abide by the relevant laws and regulations as appropriate, even though DTSC and NAHC have not discovered any potential impacts to cultural resources from the proposed project to date.

COMMENTS FROM VEOLIA

The comments from Veolia (sent by Mr. Thomas McHenry) were sent to DTSC via e-mail with attachments. One attachment contained a table of the comments; DTSC's responses are based on this table. The other attachment was a copy of the draft Permit with comments in red placed over the relevant text of the draft permit.

The Table of Comments from Veolia had the following heading lines:

Veolia ES Technical Solutions, L.L.C	Corrections/Clarifications to DTSC Permit
January 18, 2011	Submitted as Formal Comments During the Public Comment Period.
Reference location	Comments

DTSC addresses each comment (row) separately below.

Comment 1:

Reference location	Comments
Throughout	* Change Company name to "Veolia ES Technical Solutions, L.L.C."

DTSC Response to Comment 1:

DTSC added the initials "L.L.C." to the appropriate places in the final Permit, including the front cover page (under "Facility:" and first paragraph), in the page header, in the title above the Table of Contents, and Part II section 4 Facility Location. The rest of the Permit uses the term "Facility" or "Permittee" or the shortcut "Veolia" in place of the entire facility name.

Comment 2:

Reference location	Comments
Pg 1	* Change Company name to "Veolia ES Technical Solutions, L.L.C."
Table of contents	* Update page numbers.

DTSC Response to Comment 2:

The name was changed as indicated in DTSC's Response to Comment 1 above.

DTSC will update the page numbers in the Table of Content after all corrections have been made and the final Permit has been formatted.

Comment 3:

Reference location	Comments
Pg 2 Appendix C	* Change Appendix C title to "Unit Listing and Storage Capacities" or something more descriptive.

DTSC Response to Comment 3:

DTSC changed the Table of Contents to match the title of Appendix C -- "STORAGE CAPACITY SUMMARY."

Comment 4:

Reference location	Comments
Pg 11 3rd paragraph	* Change "managing" to "manage"

DTSC Response to Comment 4:

"Managing" was changed to "Manage."

Comment 5:

Reference location	Comments
Pg 26 Unit AA5 Unit specific special conditions: section b	* Change "insure" to "ensure"

DTSC Response to Comment 5:

DTSC changed "insure" to "ensure" in the final Permit. Although the terms "insure", "ensure" and even "assure" are almost interchangeable, general convention seems to dictate that "assure" with an A should be used to relieve doubt or anxiety toward a

living thing; “ensure” with an E should be used to guarantee an event or condition; and “insure” with an I should be used to provide a financial guarantee.

Comment 6:

Reference location	Comments
Pg 30 Unit AA6 Unit – specific special conditions: section b.	* “insure” to “ensure”

DTSC Response to Comment 6:

DTSC changed “insure” to “ensure” in the final Permit. (Refer to Response to Comment 5 above.)

Comment 7:

Reference location	Comments
Pg 31 1st paragraph	* Replace with proper term: “Rail Loading/Unloading Area”

DTSC Response to Comment 7:

DTSC updated the reference to “Railcar Loading/Unloading Area.”

The name of Unit AA15 was finalized as “Railcar Loading/Unloading Area.” DTSC has updated the reference accordingly.

Comment 8:

Reference location	Comments
Pg 34 Unit AA7 section b	* “insure” to “ensure”

DTSC Response to Comment 8:

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

Comment 9:

Reference location	Comments
Pg 34 Unit AA8 Location	* Replace with “Rail Loading/Unloading Area”

DTSC Response to Comment 9:

DTSC updated the relevant references to “Railcar Loading/Unloading Area.”
(Please see the Response to Comment 7 above.)

Comment 10:

Reference location	Comments
Pg 37 Unit AA8 specific special conditions: section b	* “insure” to “ensure”

DTSC Response to Comment 10:

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

Comment 11:

Reference location	Comments
Pg 40 Unit AA9 Unit specific special conditions section b	* “insure” to “ensure”

DTSC Response to Comment 11:

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

Comment 12:

Reference location	Comments
Pg 44 Unit AA10 Unit- specific special Conditions: section b	* “insure” to “ensure”

DTSC Response to Comment 12:

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

Comment 13:

Reference location	Comments
Pg 47 Unit AA11 Unit- specific special Conditions: section b.	* “insure” to “ensure”

DTSC Response to Comment 13:

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

Comment 14:

Reference location	Comments
Pg 50 Table AA12	* Table should be revised to remove extraneous columns of N/A information

DTSC Response to Comment 14:

The comment refers to “TABLE AA12, TANK and EQUIPMENT DIMENSIONS FOR UNIT AA12, (Fractionation Distillation Unit 1)”. The format of the columns is meant to match the format for the other Veolia units with tank systems. Although some of the information is not applicable for the equipment in Unit AA12, the information is applicable in other units. For consistency, DTSC has not altered this table.

Comment 15:

Reference location	Comments
Pg 51 Unit AA12 Unit-Specific special Conditions: section a	* “insure” to “ensure” * Stainless steel tanks undergo a different integrity test schedule (more than 5 years). This condition should be changed, but consider changing all similar conditions to something more generic or just reference the Attachment D-5 and make sure that it is updated.

DTSC Response to Comment 15:

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

The second part of comment 15 refers to the following condition: “Each tank shall undergo a reassessment of tank integrity once every 5 years, as specified in the Inspection Schedule in the Approved Application, Attachment D 5.”

Tanks used to manage hazardous waste must be assessed at least once every five years. Another way of putting this is that a tank assessment “shall be valid for a maximum period of five (5) years, or the remaining service life of the tank system, as stated in the engineer’s assessment, whichever is less.” (Cal. Code Regs, tit. 22, section 66264.192(i)(1)) The Permit references Attachment D-5 for the schedule of the next assessment (calendar date) and not for the frequency.

Therefore, DTSC did not change the special condition concerning tank assessment for Unit AA12.

Comment 16:

Reference location	Comments
Pg 53	* Roof column
Table AA13	* T-400 row missing cells
	* All allowable liquid wastes
	* 4 tanks should be treated similarly

DTSC Response to Comment 16:

DTSC updated the information in the final Permit for the AA13 tanks to match the information presented in Veolia's permit application Part B Table D-7.

Comment 17:

Reference location	Comments
Pg 55	* "insure" to "ensure"
Unit AA13 Unit-Specific special Conditions: section a	* Stainless steel tanks undergo a different integrity test schedule (more than 5 years). This condition should be changed, but consider changing all similar conditions to something more generic or just reference the Attachment D-5 and make sure that it is updated.

DTSC Response to Comment 17:

DTSC changed "insure" to "ensure" in the final Permit. (Refer to Response to Comment 5 above.)

Assessment for tanks managing hazardous waste must occur at least once every five years. (See Response to Comment 15 above.)

Therefore, DTSC did not change the special condition concerning tank assessment for Unit AA13.

Comment 18:

Reference location	Comments
Pg 58	* Table should be updated to remove extraneous columns of N/A information
Table AA14	* "storage tanks" -- first time term used in this section. Change to "tanks" because these tanks have several uses
bottom of page	

DTSC Response to Comment 18:

The first part of Comment 18 refers to "TABLE AA14, TANK and EQUIPMENT DIMENSIONS FOR UNIT AA13, (Glass Column Distillation Unit)". The format of the columns is meant to match the format for the other Veolia units with tank systems. Although some of the information is not applicable for the equipment in Unit AA14,

the information is applicable in other units. For consistency, DTSC has not altered this table.

However, DTSC noticed that the title of Table AA14 erroneously referred to “UNIT AA13”, and has corrected it to say “UNIT AA14.”

The second part of Comment 18 refers to the sentence “Unit AA14 has three storage tanks with a maximum tank storage capacity of 150 liters or approximately 40 gallons...” and the comment describes the three “product receiver tanks” PR-913, PR-914, and PR-915. These tanks are holding (storage) tanks and are not used for treatment. DTSC added the word “receiver holding (storage)” to clarify the sentence.

Comment 19:

Reference location	Comments
Pg 60 Unit AA14 Unit-specific special conditions	* This condition should be changed, but consider changing all similar conditions to something more generic or just reference the Attachment D-5 and make sure that it is updated. * These conditions are N/A to the 3 x 50-liter glass product receivers. Need to DELETE. * “insure” to “ensure”

DTSC Response to Comment 19:

The assessment requirement, more applicable for stand-alone tanks, does not apply in this situation because it is technically infeasible for the following reasons: 1) these tanks PR-913, -914, -915) are integral parts of the entire tank treatment system (Glass Column Distillation Unit); 2) assessing the tanks would be difficult or impossible to accomplish effectively because they are attach to a non-tank system; 3) the entire system is a closed system; 4) the unit is inside an adequate secondary containment system; and 5) the storage volume is very small.

DTSC kept the requirement for minimum shell thickness because this is feasible.

DTSC changed “insure” to “ensure.” (Refer to Response to Comment 5 above.)

Comment 20:

Reference location	Comments
Pg 60 Unit AA15 Location	* Replace with “Rail Loading/Unloading Area”

DTSC Response to Comment 20:

All references to the “Rail Transfer Station” have been updated to “Railcar Loading/Unloading Area” in the final Permit. (Refer to Response to Comment 7 above.)

Comment 21:

Reference location	Comments
Pg 62 Unit AA15 Air Emission Standards	* Replace with “Rail Loading/Unloading Area”

DTSC Response to Comment 21:

All references to the “Rail Transfer Station” have been updated to “Railcar Loading/Unloading Area.” (Refer to Response to Comment 7 above.)

Comment 22:

Reference location	Comments
Pg 62 Unit AA15 Unit- specific special conditions: section a.	* Insert “and”

DTSC Response to Comment 22:

DTSC made this change and further clarified the sentence. The sentence now reads “Unit AA15 (Railcar Loading/Unloading Area) shall operate as a loading and unloading area pursuant to the conditions, requirements and restrictions of this Permit, Health and Safety Code section 25200.19, and any other applicable requirements of the California Code of Regulations, title 22 and the Health and Safety Code.”

Comment 23:

Reference location	Comments
Pg 63 Unit AA15 Unit- specific special conditions: section d last paragraph	* Language may not be clear enough – clarify

DTSC Response to Comment 23:

Comment 23 refers to the following paragraph of Unit AA15 Special Condition (d) (emphasis added):

When a railcar is in Unit AA15, the entire rail car shall be completely within the secondary containment area for Unit AA15. This includes the railcar tank, the railcar trailer, and any appurtenances attached to the railcar tank and trailer when those appurtenances are not being used for loading or unloading. **To be within the**

containment area, the entire railcar must be inside the vertical column formed by the inside secondary containment boundary.

DTSC has changed the last sentence to read "To be within the containment area, the entire railcar must be vertically inside the boundary of the secondary containment area."

Comment 24:

Reference location	Comments
Pg 65 Table AA16	* SS (stainless steel) containers (tank/equip no. column) * SS containers (Tank name/function column) * Table should be updated to remove extraneous columns of N/A information

DTSC Response to Comment 24:

The information for the collection totes was inadvertently not updated before the draft permit was issued for public comment. DTSC has adjusted this text to match the updated description in the nearby text. The first column "recovery tanks (two)" has been updated to state "two (2) collection tote-containers." The second column "condensate recovery / collection tanks" has been updated to state "condensate recovery / collection totes". The construction material "stainless steel" has been added to the fourth column.

The third part of Comment 18 refers to the rest of "TABLE AA16, TANK and EQUIPMENT DIMENSIONS FOR UNIT AA16, (Cryogenic Unit)". The format of the columns is meant to match the format for the other Veolia units with tank systems. Although some of the information is not applicable for the equipment in Unit AA18, the information is applicable in other units. For consistency, DTSC has not altered the table format.

Comment 25:

Reference location	Comments
Pg 67 Unit AA16 Unit-specific special conditions	* Insert "SS"

DTSC Response to Comment 25:

DTSC added the word "stainless steel" as suggested in the comment. The sentence now reads "The two (2) stainless steel tote-containers shall be considered part of the AA16 tank system as long as they remain connected to AA16."

Comment 26:

Reference location	Comments
Pg 68 Unit AA17 activity description	* Consider re-ordering to match numbered sections below

DTSC Response to Comment 26:

DTSC reordered the list of universal wastes, without deletion or addition, to match the order that these wastes are described immediately below the list. The list now reads as follows:

- batteries
- electronic devices
- lamps
- cathode ray tubes
- cathode ray tube glass
- aerosol cans

Comment 27:

Reference location	Comments
Pg 69 section (3) Lamps	* Change CRT to lamp.

DTSC Response to Comment 27:

DTSC made this change. The sentence now reads: "The lamps are not treated in Unit AA17 prior to shipment off-site to an authorized ~~CRT~~lamp handler or destination facility."

Comment 28:

Reference location	Comments
Pg 69 section (6) Aerosol cans	* "waste" not "wastes"

DTSC Response to Comment 28:

DTSC made this change. The sentence now reads: "Universal ~~wastes~~waste aerosol cans are received in Unit AA17 for processing in Unit AA18, which is a portable unit located inside the northwest building area of Unit AA17."

Comment 29:

Reference location	Comments
Pg 71 2 nd paragraph (section b)	* Why is this condition in this section? Duplicative of next section.

DTSC Response to Comment 29:

The comment refers to Special Condition (b) for Unit AA17 Universal Waste Handling Unit. Unit AA18 is the Aerosol [Can] Recycling Unit. The special condition reads as follows:

- b. The Permittee shall comply with the applicable requirements for managing hazardous waste aerosol cans, as specified in the special conditions for Unit AA18.

DTSC placed this condition on Unit AA17 because 1) the aerosol cans are handled and stored in Unit AA17, and 2) Unit AA18 is physically inside Unit AA17.

Therefore, DTSC did not change this condition.

Comment 30:

Reference location	Comments
Pg 72 3 rd and 4 th paragraph	* Delete – redundant

DTSC Response to Comment 30:

The comment refers to the third and fourth paragraphs in the Unit Activity Description section for Unit AA18 Aerosol Recycling Unit. The third and fourth paragraphs are as follows:

Maximum Capacity: The Unit AA18 Portable Aerosol Recycling Unit equipment is capable of crushing up to 700 cans per hour or 1367 pounds per hour of aerosol contents.

The waste aerosol cans are accumulated in Unit AA17 prior to processing in Unit AA18. After processing, the processed aerosol cans and aerosol cans contents become waste generated by the Facility. The crushed cans are placed in a 55 gallon drum. The can contents are placed in a separate 55 gallon drum. The propellant and vapors from the processing are sent to a separate 55 gallon drum of activated carbon.

Regarding the third paragraph, although maximum capacity for Unit AA18 is discussed later, it is appropriate to mention the capability of the equipment in this Activity Description section. However, DTSC deleted the paragraph title "Maximum Capacity", and also deleted the word "Portable" in order to be consistent. DTSC did not change the rest of the paragraph. (Note: DTSC verified that the information

under the Activity Description section and Maximum Capacity section are consistent.)

Regarding the fourth paragraph, this paragraph establishes a dedicated connection between Unit 17 and Unit AA18. This information is not repeated anywhere else in the Unit AA18 section, but is mentioned in the Unit AA17 section. Each Unit module should be independent, and this paragraph is not redundant within the Unit AA18 module. Therefore, DTSC will retain this paragraph, unchanged.

Comment 31:

Reference location	Comments
Pg 72 5 th paragraph	* Move this to start of Activity description

DTSC Response to Comment 31:

The comment refers to the fifth paragraph in the Unit Activity Description section for Unit AA18 Aerosol Recycling Unit. The fifth paragraph is as follows:

The Facility manages universal waste aerosol cans as a destination facility pursuant to subsection (a) of section 66273.60 of division 4.5, chapter 23, of the California Code of Regulations and subdivision (a)(3) of Health and Safety Code section 25201.16.

DTSC agrees with this comment and has moved this entire paragraph, unchanged, to become the new second paragraph under the Unit Description section of Unit AA18.

Comment 32:

Reference location	Comments
Page 72 last paragraph	* Insert "of aerosol contents."

DTSC Response to Comment 32:

DTSC made this change, which is consistent with the similar paragraph in the Unit Description, and also consistent with information in Veolia's Part B (Section D.3.8) application. The Maximum Capacity section for Unit AA18 now reads as follows:

The machinery used by Unit AA18 (Aerosol Recycling Unit) is capable of crushing up to 700 cans per hour. Typically, this equates to a maximum treatment capacity of 1367 pounds per hour of aerosol contents.

Comment 33:

Reference location	Comments
Pg 73 Unit AA18 Unit specific special conditions: section a(2)	* Redundant to subsection (g)

DTSC Response to Comment 33:

The Special Condition (a)(2) for Unit AA18 is as follows:

(2) all other special conditions for Unit 18 identified below in this Permit; and

There is no subsection (g) under the Special Conditions for Unit AA18; the last subsection is section (d).

Under previous regulations, a universal waste unit was usually exempt from permitting requirements. Some of the language used in developing the new module is meant to incorporate this unit into a unit that now needs to be authorized by a permit.

DTSC will keep (a)(2) unchanged.

Comment 34:

Reference location	Comments
Pg 74 Unit AA19 Location	* Replace with "Rail Loading/Unloading Area"

DTSC Response to Comment 34:

DTSC has updated the reference to "Railcar Loading/Unloading Area" in the final Permit. (Refer to Response to Comment 7.)

Comment 35:

Reference location	Comments
Pg 76 Unit AA19 RCRA Hazardous Waste code:	* Correct indentation on sentence begin with "RCRA"

DTSC Response to Comment 35:

The indentation appears to be an artifact of the word processing program that was used to prepare the draft permit. The final permit does not show this indentation.

Comment 36:

Reference location	Comments
Pg 77 Unit AA19 California Hazardous Waste codes	* Correct indentation on sentence begin with "California"

DTSC Response to Comment 36:

The indentation appears to be an artifact of the word processing program that was used to prepare the draft permit. The final permit does not show this indentation.

Comment 37:

Reference location	Comments
Pg 80 section e.	* Redundant, seems similar to g)

DTSC Response to Comment 37:

Comment 36 refers to subsections (e) and (g) under the Special Conditions for Unit AB20. They are as follows:

- e. The Permittee shall not use Unit AB20 as a container storage unit until all construction has been completed and appropriate permit conditions have been met.
- - -
- g. The Permittee shall not use Unit AB20 until it has received written concurrence from DTSC that the construction has been adequately completed and the Permittee is allowed to use of Unit AB20.

Subsection (e) informs the Permittee that the new unit cannot be used unless all construction has been completed and appropriate permit conditions have been met. Subsection (g) is one of the appropriate permit conditions that must be met.

DTSC does not find that the two subsections are redundant. Therefore, DTSC did not change subsections (e) and (g).

Comment 38:

Reference location	Comments
Pg 84 Unit AC22 location	* Replace with "Rail Loading/Unloading Area"

DTSC Response to Comment 38:

DTSC updated the reference to "Railcar Loading/Unloading Area." (Refer to Response to Comment 7.)

Comment 39:

Reference location	Comments
Pg 85 Table AC22	* Table should be updated to remove extraneous columns of N/A information

DTSC Response to Comment 39:

This Comment refers to “TABLE AC22, TANK and EQUIPMENT DIMENSIONS FOR UNIT AC22, (Fluidize Bed Bio-Reactor).” The format of the columns is meant to match the format for the other Veolia units with tank systems. Although some of the information is not applicable for the equipment in Unit AC22, the information is applicable in other units. For consistency, DTSC has not altered the table format.

Comment 40:

Reference location	Comments
Pg 87 Unit AC22 Unit-specific special conditions: section b.	* “insure” to “ensure” * replace each with “the waste”

DTSC Response to Comment 40:

DTSC changed “insure” to “ensure” in the final Permit. (Refer to Response to Comment 5.)

The second part of Comment 40 involves the first sentence of condition (b) under the Special Conditions for Unit AC22. Special condition (b) is as follows:

- b. The Permittee shall ~~insure~~**ensure** that each tank maintains the minimum shell thicknesses as specified by an independent, qualified professional engineer, registered in CA, and written in the Approved Application, Attachment D 5.

This wording is consistent with all other Special Conditions for maintaining tank shell thickness. Where the condition calls for “each tank” it means each tank authorized for Unit 22, and identified in Attachment D-5. Even though Unit 22 has only one tank (T-504) that would qualify, the wording is still usable and consistent with other units that have multiple tanks. Therefore, DTSC did not change subsection (b).

Comment 41:

Reference location	Comments
Pg 88 Unit AC23 location	* Replace “Electronic” with “Universal”

DTSC Response to Comment 41:

DTSC made the change from “Electronic Waste Management Unit” to “**Universal** Waste Management Unit.”

Comment 42:

Reference location	Comments
Pg 89 Unit AC23 physical Description 1 st paragraph	* Remove “hazardous”

DTSC Response to Comment 42:

DTSC made this change. The sentence now reads: “Unit AC23 (Roll-Off Bin Storage and Processing Unit 1 - proposed) is designed to store containers, primarily roll-off bins, holding only ~~hazardous~~ wastes that do not contain free liquids.”

Comment 43:

Reference location	Comments
Pg 90 unit AC23 waste types: 1 st paragraph	* Remove “hazardous” * Remove “and” * Insert “, and F028” at the end of paragraph.

DTSC Response to Comment 43:

The first part of Comment 43 concerns removing the word “hazardous” from “hazardous waste”. DTSC removed the word “hazardous” because the Unit may store wastes that are not hazardous. The sentence now reads: “Unit AC23 (Roll-Off Bin Storage and Processing Unit 1 - proposed) may store containers holding only ~~hazardous~~ wastes that do not contain free liquids.”

The second and third parts of Comment 43 involve a list of federal waste codes in the Unit AC23 Waste Types, which is also consistent with the Unit AC23 RCRA Hazardous Waste Codes, and with Unit AC23 Special Condition subsection (e). These sections are as follows (bold added for emphasis):

UNIT AC23 WASTE TYPES:

Unit AC23 (Roll-Off Bin Storage and Processing Unit 1 - proposed) may store containers holding only ~~hazardous~~ wastes that do not contain free liquids. Unit AC 23 shall not store containers holding hazardous wastes that contain free liquids. In addition, Unit AC23 shall not store, treat or otherwise handle any of the following wastes listed in the California Code of Regulations, title 22, section 66264.175(e): **F020, F021, F022, F023, F026, and F027.**

UNIT AC23 RCRA HAZARDOUS WASTE CODES:

Unit AC23 (Roll-Off Bin Storage and Processing Unit 1-proposed) may store RCRA hazardous wastes with codes listed in Table 1. except for wastes

listed in the California Code of Regulations, title 22, section 66264.175(e) which includes waste codes F020, F021, F022, F023, F026, and F028. Unit AC2 may treat RCRA hazardous wastes with codes listed in Table 1, except for wastes with codes listed in Table 4, and except for wastes listed in the California Code of Regulations, title 22, section 66264.175(e) which includes waste codes **F020, F021, F022, F023, F026, and F028**. Prohibited RCRA hazardous waste codes are listed in Table 3.

- - -

- e. Unit AC23 is not authorized to handle and is prohibited from handling containers containing the following waste codes listed in the California Code of Regulations, title 22, section 66264.175(e): **F020, F021, F023, F026, and F027**.

This list of waste codes comes from California Code of Regulations, title 22, section 66264.179(e), which states:

- (e) Storage areas that store containers holding the following wastes listed that do not contain free liquids must have a containment system as specified in subsection (b) of this section: F020, F021, F022, F023, F026, and F027.

This condition was requested by Veolia during the early discussions concerning Unit AC23. However, the current Part B application does not mention the prohibited waste codes for Unit AC23.

DTSC will keep the current list of prohibited waste codes that are consistent with California Code of Regulations, title 22, section 66264.175(e): F020, F021, F022, F023, F026 and F027. DTSC will also require Veolia to clarify this list in the description of Unit AC23 in the Part B application, Section D.

This permit authorizes the facility to accept wastes with code F028, although the facility is specifically prohibited from treating them in Unit AC22 (Fluidize Bed Bio-Reactor

Based on this comment, DTSC asked Veolia for clarification. In response, Veolia submitted an updated description of Unit AC23 Activity (sent February 9, 2011) which includes the prohibition for storing the F wastes described in California Code of Regulations, title 22, section 66264.175(e). Veolia also confirmed that the "F028" code was a typographical error in the original Part B application and thus in the draft permit, and should have been "F027". The final permit is now consistent with Veolia's clarification, and the Part B application has been updated. The updated text in the Part B now reads as follows:

UNIT AC23: Roll-off Bin Storage and Processing Unit 1

Activity

Unit AC23 (Roll-Off Storage and Processing Unit 1) will store hazardous waste **with no free liquids** in containers, primarily roll-off bins. Treatment will include bulking, debulking, consolidating, crushing, and sampling **for hazardous wastes with no free liquids**. Wastes will be received in containers ranging in size from 1-gallon to 50-cubic-yard roll-off bins. **Waste codes identified in CCR Title 22, Section 66264.175(e) will not be stored or treated in Unit AC23. Specifically, RCRA waste codes F020, F021, F022, F023, F026, and F027 will not be stored or treated in Unit AC23.**

Therefore, for Comment 43, DTSC did not add F028 to the list of prohibited wastes codes.

Comment 44:

Reference location	Comments
Pg 90 Unit AC 23 RCRA Hazardous Waste codes	* Replace AC2 with "AC23".

DTSC Response to Comment 44:

DTSC corrected two typographical errors in the text under Unit AC23 RCRA Hazardous Waste Codes. DTSC replaced "AC2" with "AC23" and replaced "F028" with "F027".

Comment 45:

Reference location	Comments
Pg 91 section d	* Remove "hazardous"

DTSC Response to Comment 45:

DTSC deleted the word "hazardous" from Unit AC23 Special Condition (d). The sentence now reads: "d. Unit AC23 shall only store, treat, transport and handle containers of ~~hazardous~~ waste that does not contain free liquids." DTSC recognizes that Unit AC23 may store waste that is not deemed hazardous.

Comment 46:

Reference location	Comments
Pg 91 section e	* Remove "and" * Insert ", and F028"

DTSC Response to Comment 46:

DTSC did not add the code F028 to Unit AC23 Special Condition (e). (Refer to Response to Comment 43).

Comment 47:

Reference location	Comments
Pg 91 section f	* Remove "hazardous"

DTSC Response to Comment 47:

DTSC deleted the word “hazardous” from Unit AC23 Special Condition (f), which now reads: “f. This Permit authorizes the construction of Unit AC23 only for the storage of containers with ~~hazardous~~ wastes that do not contain free liquids.”

Comment 48:

Reference location	Comments
Pg 103 section 15	* Same as section 10

DTSC Response to Comment 48:

Comment 48 refers to Part V SPECIAL CONDITIONS, section (10) and section (15) which inadvertently was repeated in the draft permit. DTSC has deleted section (15) in the final Permit, and a place holder will be used to keep the number. This will avoid having to renumber the sections and having to renumber all the references to those sections.

Comment 49:

Reference location	Comments
Pg 115 table 1 (listed hazardous waste from non-specific sources	* F026 & F027← Codes appear on table 3 (RCRA prohibited list)

Comment 50:

Reference location	Comments
Pg 115 table 1 chemicals listed waste	* P063 ← Code appears on table 3 (RCRA prohibited list)

Comment 51:

Reference location	Comments
Pg 118 Table 3	* P063 ← Code appears on table 1 (RCRA allowed list) * F026 & F027 ← Codes appear on table 1 (RCRA allowed list)

DTSC Response to Comments 49, 50, and 51:

As DTSC analyzed this comment, DTSC noticed that Waste Codes F026, F027 and P063 were inadvertently listed in both the acceptable list (Table 1) and the prohibited list (Table 4) in the draft permit. These inconsistencies are also present in Veolia’s Part B Application Waste Tables.

DTSC notified Veolia of these inconsistencies and requested clarification. Veolia responded (February 9, 2011) with updated and corrected waste code tables. The three waste codes -- F026, F027, and P063 -- were removed from the acceptable table (Table 1) and remain in the prohibited table (Table 4). This is the correct and more restrictive approach. The updated pages were inserted into Veolia's Part B Application, and DTSC adjusted the tables in the final Permit accordingly.

Comment 52:

Reference location	Comments
Pg 120 Table 5 (continued) header	* Move header to next page

DTSC Response to Comment 52:

Comment 52 refers to the table header for Table 5 (HAZARDOUS WASTE CODES PROHIBITED FOR VEOLIA UNIT AC22 FLUIDIZED BED REACTOR). The table header on page 120 of the draft permit was disconnected from the rest of the table that continued on page 121. This disconnect was caused by the conversion of the permit from one format (Microsoft Word) to another format (Adobe Acrobat). DTSC is required to convert the permit to Adobe Acrobat (*.pdf) for the public comment period.

After all adjustments have been made to the permit, DTSC will reformat the final permit and pagination will be adjusted. DTSC tries to keep the format and page breaks consistent when converting documents.

Comment 53:

Reference location	Comments
Appendix C pg 1 Facility HWM table	* Consider better title for Table than "Excluded HWM Units". This table is confusing. * Remove "Rail transfer Station (Loading/unloading Only)" and replace with "Rail Loading/Unloading Area" * Remove Electronic with "universal" and remove "(Universal Waste)"

DTSC Response to Comment 53:

Appendix C summarizes the storage capacity of the units described in the permit. It is important to note that Appendix C is a summary of the permit conditions placed in the appropriate sections of Appendix A Part IV. This information is useful for enforcement purposes and for determining future modifications to the units.

For the final permit, DTSC decided to add a table number for each table for easier referencing: Table C-1, Table C-2, Table C-3 and Table C-4. DTSC has also added a small paragraph above each table explaining the table.

The first part of Comment 53 refers to the heading of the first table of Appendix C in the draft permit, now labeled as Table C-1 in the final permit. The title of Table C-1 is "FACILITY HWM UNITS w/ EXCLUDED STORAGE CAPACITY". This table summarizes the storage capacities for those units that are not included in the calculations for maximum capacity. The storage capacities listed in this table are the result of the design of the unit and/or other requirements.

DTSC changed the title of Table C-1 to the following: "~~FACILITY HWM UNITS w/ EXCLUDED~~ **NOT INCLUDED IN MAXIMUM** STORAGE CAPACITY".

Table C-1 shows the storage capacities for those units not included in the calculations for maximum storage capacity. These units include the two loading/unloading units (Unit AA1 and Unit AA15) and the two universal waste managing units (Unit AA17 and Unit AA18). The stated capacities for each unit are a result of design and/or other requirements.

DTSC added the following paragraph before Table C-1 to clarify its purpose:

Table C-1 shows the storage capacities for those units not included in the calculations for maximum storage capacity. These units include the two loading/unloading units (Unit AA1 and Unit AA15) and the two universal waste managing units (Unit AA17 and Unit AA18). The stated capacities for each unit are a result of design and/or other requirements.

The second part of Comment 53 concerns the name of Unit AA15. DTSC updated the reference to "Railcar Loading/Unloading Area". (Refer to Response to Comment 7 above.)

The third part of Comment 53 concerns the name of Unit AA17. DTSC changed the name to "~~Electronic~~ **Universal** Waste Handling Unit (~~Universal Waste~~)" for the final permit.

As part of the Response to Comment 53, DTSC modified the heading for Table C-2 in the final permit to "UNIT NAME / **(container description)**" and "**MAXIMUM** CONTAINER STORAGE ~~UNIT~~-CAPACITY (gallons)". In addition, the following paragraph was placed before Table C-2 for clarification.

Table C-2 shows the units authorized for storage of hazardous waste in containers. The stated capacity is the maximum capacity authorized by this Permit.

As part of the Response to Comment 53, DTSC modified the heading for Table C-3 in the final permit to "UNIT NAME / **(tank description)**" and "**MAXIMUM** TANK STORAGE ~~UNIT~~-CAPACITY (gallons)". In addition, the following paragraph has been placed before Table C-3 for clarification.

Table C-3 shows the units authorized for storage of hazardous waste in tanks. The stated capacity is the maximum capacity authorized by this Permit.

As part of the Response to Comment 53, DTSC modified the heading for Table C-4 in the final permit to "**MAXIMUM** STORAGE CAPACITY (gallons)". In addition, the following paragraph has been placed before Table C-4 for clarification.

Table C-4 summarizes the information from Tables C-2 and C-3.

Comment 54:

Reference location	Comments
Appendix C pg 1 Facility HWM table	* There is a limit for total mercury. Does it apply to the lamps Veolia will receive? If so, how will Veolia measure this and what is the significance of this limit?

DTSC Response to Comment 54:

Comment 54 refers to the information in Appendix C, first table (now Table C-1), and the capacity for Unit AA17 which states "- limit of 33 kg (77 lbs) elemental mercury at any one time". This limitation is an artifact of earlier proposals for Unit AA17. This limitation was placed on Unit AA17 when Veolia listed "mercury-containing equipment" as one of the universal waste streams to be managed in Unit AA17. Veolia subsequently dropped "mercury containing equipment" from being managed at Unit AA17, but the limitation inadvertently remained in Table C-1. For reference, the limitation came from the California Code of Regulations, title 22, section 66273.72(e)(2)(B)(7).

Based on the above, DTSC has removed the limitation from Table C-1 in the final permit. The limitation was not mentioned in the text of Part IV for Unit AA17 and therefore, no change to the text was necessary to be consistent with the revised Table C-1. In response to this comment, and for clarification, DTSC has added the following condition to the Specific Unit Condition for Unit AA17 in the final permit.

- c. Unit AA17 is not authorized to manage universal waste "mercury-containing equipment" as defined in section 66273.9 and described in subsection (a) of section 66273.4 of the California Code of Regulations, title 22, division 4.5, chapter 23.

Comment 55:

Reference location	Comments
Appendix B, page 1	* "Modifications" is missing first "i"

DTSC Response to Comment 55:

DTSC made this change in the final permit. The title now reads "LIST OF PERMIT MODIFICATIONS OF PREVIOUS PERMIT"

ADJUSTMENTS TO FIGURES:

While preparing the final permit, DTSC noted that a few diagrams had labels indicating the previous names for the facility. These figures included:

- Figure B-1: General Location Map [Onyx]
- Figure B-3: Land Use Plan city of Azusa [Onyx]
- Figure B-12: Groundwater Wells Located Within 1 Mile of the Facility [Oil & Solvent Process Company]
- Figure G-1: General Location Map [Onyx]

Veolia submitted updated versions of these figures (February 11, 2011). The previous facility names were replaced with the generic title "FACILITY". The General Location Map used in the draft permit was also updated.